

U.S. Department
of Transportation
United States
Coast Guard



Commander
8th Coast Guard District
Hale Boggs Federal Bldg

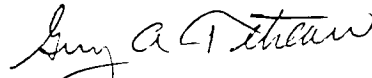
501 Magazine Street
New Orleans, LA 70130-3396
Staff Symbol: (nec)
Phone: (504) 589-6271

16703/16721
3 October 1997

From: Commander, Eighth Coast Guard District
To: Distribution

Subj: OVERSIGHT OF COAST GUARD APPROVED MARINE TRAINING SCHOOLS

1. Enclosure (1) is provided for information and potential use in developing an oversight program for Coast Guard approved schools within your AOR.
2. Enclosures (2) through (5) contain details regarding an appeal of the OCMI's use of a Coast Guard exam to audit course graduates.
3. As can be seen in Enclosure (6) the appeal is currently being considered by COMDT. We will keep you informed regarding that decision.
4. Questions regarding oversight programs should be referred to CDR Schafersman at (314) 539-3900.


G. A. TETREAU
By direction

Encl: (1) OCMI Policy letter #2-97 dated April 9, 1997
(2) Sea School appeal letter of September 8, 1997
(3) CCGD8 letter of August 26, 1997
(4) Sea School appeal letter of July 30, 1997
(5) MSO New Orleans letter of August 12, 1997
(6) CCGD8 letter of October 1, 1997

Dist: All Eighth District RECs
REC Coordinator



16721
OCMI POLICY #2-97
April 9, 1997

OFFICER IN CHARGE, MARINE INSPECTION, NEW ORLEANS POLICY #2-97

SUBJ: ADMINISTRATIVE PROCEDURES AND GUIDELINES FOR COAST GUARD
APPROVED SCHOOLS

Ref: (a) 46 CFR 10, Subpart C

1. PURPOSE. This policy provides necessary guidance to the approved schools and Coast Guard personnel to ensure consistent and high quality of training and integrity in all Coast Guard approved courses.
2. DISCUSSION. This policy applies to all schools teaching USCG approved courses in the New Orleans Regional Examination Center (REC) area of responsibility (Florida panhandle, Alabama, Mississippi, SE Louisiana). This policy letter provides the details currently lacking in 46 CFR 10 concerning the implementation, execution, and administration of the partnership between the marine education industry and Coast Guard in ensuring the knowledge standards in 46 CFR are met by all mariners. Consistent and specific administrative policy will aid the students, school personnel and REC auditors.
3. IMPLEMENTATION.
 - a. Student record contents. Each student enrolled in an approved course will have a file folder created on or before the first day of class. The record must be labeled with the student's name, social security number and date class began. The record must contain the following items in this order: course attendance record(s), test scores (as a minimum the final examination module scores, but inclusion of practical and/or practice scores is encouraged) including date of test and test module number, exam answer sheets (properly completed with name, date and module number) course critique, and copy of certificate issued. The record may also include any other items you wish to include (enrollment contracts, acknowledgment of school policies, etc.) but these other items will be filed after the required data. As feasible, student records for all 1997 courses need to be reworked to meet these standards, 1996 and earlier records do not need to be changed.

ENCLOSURE(1)

April 9, 1997

b. Tests and student record storage. All examinations, examination answer keys and student records must be stored in a locked container in the view of the school administrative staff at all times the school is open. They should only be removed from storage for the minimum period needed to give and grade an examination and then immediately returned to locked storage. When out of storage, they must be in the personal possession of the test administrator at all times. Examinations must not be removed from locked storage before the time they will be administered. Since student records contain test answer sheets, they need to be treated like a test; locked in storage except when in use, never left unattended on a desk, and no access by other students. Student records shall be filed by course title. Within a course they shall be filed by class commencement date and finally alphabetically by students last name. Records for students failing to complete a course will be retained along with the records of other members of the same class. If a student fails to complete a course as scheduled, but completes the course with a later class, move the file to the class completed, but leave a record with the original class records showing where the file was moved.

c. School atmosphere. As a federal government agency, the Coast Guard is committed to equal treatment/equal opportunity. As part of this commitment, the Coast Guard has specific policies against racial/sexual harassment. We do not condone the display of photos/drawings/calendars etc., that demean any group or create a hostile environment, as this does not create the "atmosphere conducive to learning" as required by 46 CFR 10.303(a). All calendars and any school textbooks or student guides with nude, partially nude or nearly nude rendering or racist symbols must be removed from the school premises to maintain your Coast Guard course approval.

d. Course changes. No material can be dropped or covered in less time than your approved course curriculum specifies. It is permissible to add material to a course after your formal request to add material has been submitted to NMC and initially approved by REC New Orleans. Allow adequate time (90-120 days) for the REC and NMC to process your proposed changes.

e. Off site course records. When a course approved for school A is also taught off site at school B, the original student records will be kept at school B. If school A wishes a copy for their use in providing oversight of the course being taught at school B, that is commendable and school B must provide a copy to school A. If school B is also teaching this course off site at a nearby hotel or similar site, again the original records will be kept at school B. The REC auditor will examine the records at school B not school A during the annual audits.

16721
OCMI POLICY #2-97
April 9, 1997

f. Exam procedures. No exam, final or practice, can be given orally or oral-assisted. If a mariner cannot read/write well enough to complete an approved course, he/she can only receive a license/MMD after evaluation and passing an oral exam in the REC. Exams need to be updated periodically. To verify this, all exams must have an edition/creation date on the front cover. We suggest a minimum of 33% of each exam be replaced with new questions each year. Additionally, if your exam uses the questions and answers from the USCG exam question bank, you must place the answers on multiple choice questions in a different order than the same questions in your hot lists/study guides/student guides/pass packs etc. No final exam navigation plotting problem can be "the same as or similar" to any question used in any part of the course or any of your examination preparation (non-approved) course material. By similar we mean the final examination questions are identical to practice or examination preparation problems except the course is reciprocal, or the time is an even hour (or 12 hour) amount different, or Latitude/Longitude is changed by an even degree or is the same date for Local Apparent Noon or celestial body rise/set problems. If in doubt, ask. If your examination preparation or class handouts have identical questions/answers to those on your final exam, until your exam is rewritten, you must remove/restrict access to this material.

g. Random testing. As part of your course approval and to ensure your students would pass the Coast Guard exam (46 CFR 10.303(c)) the Coast Guard reserved the right to randomly test mariners with approved course completion certificates. Effective May 1, 1997 the New Orleans REC will test 5% of the mariners presenting certificates. Please stress to your students that this may happen so they bring necessary equipment (plotting gear) and the proper mental attitude. They will not take the whole exam. We will select one module for the student to take. A student making at least the normal passing score will receive their license or MMD. Lower scores will likely impact both the mariner and the school.

h. Course approval process. To provide proper oversight of your courses, the REC needs a copy of the course curriculum submitted to the NMC. All new or modified courses shall have an original and a copy submitted to NMC via the REC. The REC will retain the copy and send the original to the NMC for final approval. If you desire to submit a course for a limited license (OUPV limited to "swamp tours", etc.) the REC, not NMC, will approve these. We will still require an original and a copy, but we will stamp the copy "approved" and return it to you for use by your instructors.

April 9, 1997

i. License/MMD issuance after course completion. Mariners endorsing an existing license/MMD by presenting a course completion certificate in lieu of an REC exam may handle the endorsement by mail or appointment. No special procedures are required for a mail transaction, although they are subject to testing per paragraph (f) above. A mariner may request the school to make an appointment for their original license/MMD or an endorsement to an existing license/MMD when presenting a course completion certificate in lieu of an REC exam. The school may send electronic mail to "certificates/MSONolaRE@internet.uscg.mil" or a Fax to "certificate appointments" at (504)589-4226. Provide the mariner's name, social security number, and a date range of desired appointments or state "first available appointment." The REC will reply by electronic mail or Fax with a confirmed appointment.

j. Other appointments. Schools wishing to make an appointment for a student not in an approved course, or for a student needing a conviction clearance may schedule the appointment by sending electronic mail to "appointments/MSONolaRE@internet.uscg.mil" or a Fax to "regular appointments" at (504)589-4226. Provide the mariner's name, social security number, and a date range of desired appointments or state "first available appointment." The REC will reply by electronic mail or Fax with a confirmed appointment.

4. ACTION: If not fully in compliance, you need to make these changes as soon as possible. If you cannot meet all these requirements before May 15, 1997, call us to discuss your specific situation so we may determine if additional time can be given.



G. D. MARSH

Captain, U.S. Coast Guard

Officer In Charge, Marine Inspection

Distribution: Commandant (G-MO)
National Maritime Center (4B)
Commander, Eighth Coast Guard District (m)
All Coast Guard Approved Schools
Offshore Marine Service Association
All Coast Guard Regional Examination Centers

ENCLOSURE(1)



5905 - 4th Street North, St. Petersburg, FL 33703 (813) 577-3992- Fax (813) 522-3155

September 8, 1997

Commandant (G-MOC)
U. S. Coast Guard
Washington DC 20593

via

Commander (moc)
8th Coast Guard District
Hale Boggs Federal Bldg, Rm 1331
501 Magazine St.
New Orleans LA 70130-3396

Dear Sir:

We hereby appeal the decision of the OCMI, upheld by 8th District, regarding random examining of candidates from schools with approved courses.

We appealed the OCMI decision to examine students presenting certificates from approved schools. The District Commander denied our appeal, stating that it was his "belief that the OCMI has not only the authority but the responsibility..."

It is our belief that the District Commander's decision fails to cite regulatory authority, and that such authority does not exist.

We believe that our approval letters mirror 46 CFR 10.303(f)(4), and that cite clearly authorizes the OCMI to "supervise or administer the required examinations..." The examinations required by NMC are from a question bank approved by them. To subject people to an exam written subsequent to the selection of our question pool, containing questions on subjects not required by our curriculum, appears to be improper.

District Commander has stated that it is also possible that a mariner could fail an administered module and still be issued the requested license. We find that, in practice, this does not appear to be the case. Applicants have been tested, have failed,

Enclosure (2)

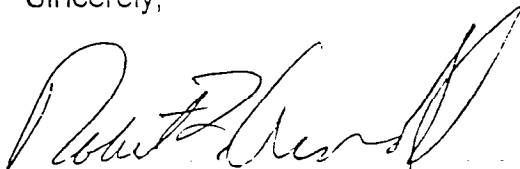
and have had their certificates voided at the counter, thereby embarrassing them and us. Subsequently, they passed only after we specifically prepared them for the Coast Guard exam, rather than teaching them our curriculum.

Since the courses referred to are "in lieu of ... examination required by the Coast Guard..." (46 CFR 10.301), we believe that the words fail to call for Coast Guard administered examinations.

District Commander is correct that it is the Coast Guard's responsibility to ensure the appropriateness of the courses conducted. We believe that administering Coast Guard exam modules is not the appropriate means to ensure the level of quality required, but oversight in the examination administration process of the approved schools is the appropriate means of ensuring this quality..

Therefore, our appeal is based on the Code which authorizes oversight, but states that oversight be in the form specified in 10.303(f). We believe that authority to administer any other type of oversight in the form of exam modules at the REC is lacking.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert L. Arnold", with a stylized flourish at the end.

Robert L. Arnold
Director

RLA/pn

Enclosure: 8th District letter of denial

U.S. Department
of Transportation
United States
Coast Guard



Commander
8th Coast Guard District
Hale Boggs Federal Bldg

501 Magazine Street
New Orleans, LA 70130-3396
Staff Symbol: (moc)
Phone: (504) 589-6743

16703/16721
August 26, 1997

Mr. Robert L. Arnold, Director
Sea School
5905 4th Street North
St. Petersburg, FL 33703-1417

Dear Mr. Arnold:

I am writing in response to your letter of July 30, 1997 which appeals the Officer in Charge Marine Inspection (OCMI) New Orleans decision to randomly test graduates of your courses. Based upon my review, I must deny your appeal. It is my belief that the OCMI has not only the authority but the responsibility to ensure the consistency, adherence to approved curriculum, and effectiveness of your courses.

While I believe the above is consistent with NVIC 5-95 and 46 CFR 10.303, it is important to note that the purpose of this oversight program is not primarily to verify the qualifications of the graduate but rather to ensure that the quality of instruction is maintained. It is possible that a mariner could fail an administered module and still be issued the requested license. It is also possible, and I believe prudent, for that failure to result in additional testing.

As far as user fees are concerned, 46 CFR 10.109 does not authorize user fees for these course auditing exams and none will be charged.

If you feel aggrieved by this decision, you may appeal to the Commandant (G-MOC), United States Coast Guard, in accordance with 46 CFR 1.03-25. Any such appeal must be submitted via this office within 30 days of your receipt of this decision. It must identify the decision being appealed, and the reason the decision should be overturned.

Sincerely,

A handwritten signature in cursive script, reading "Guy A. Tetreau".
GUY (A.) TETREAU

Commander, U.S. Coast Guard
Chief, Marine Safety
Compliance Branch
By direction of the Commander
Eighth Coast Guard District

Copy: MSO New Orleans

Enclosure (3)



5905 4th Street North, St. Petersburg, FL 33703-1417 (813)577-3992

July 30, 1997

Commander (m)
8th Coast Guard District
Hale Bogs Federal Bldg, Rm 1331
501 Magazine St.
New Orleans LA 70130-3396

Dear Sir:

We hereby appeal the decision of the New Orleans REC to randomly examine students who have successfully completed approved schooling. This policy was stated by LCDR Wells in a New Orleans REC policy memo, and is currently in effect.

Our appeal is based on the following:

1. Our approved courses are in lieu of examination per 46 CFR 10.301.
2. REC policy as stated by LCDR Wells is based on 46 CFR 10.303(c). We believe that this cite is inappropriate. It requires schools to "give ... examinations ... that a student who ... completes them could reasonably assume that he or she would pass ..."

The words have specific meanings, and the meanings are clear. The schools give the exams. The student could reasonably assume passing. Not the Coast Guard. This paragraph assigns no direct or indirect onus on the Coast Guard to administer their own exams. The history of this situation is clear, and is being totally ignored in some quarters.

The Coast Guard approves the curriculum and the exams. When we were negotiating with NMC on the content of the approved OUPV course (and others), we were told in no uncertain terms that we were not to concern ourselves with the Coast Guard exams. We were to construct fair exams based on the approved curriculum, and we did so. They approved both the curriculum and the exam pools.

Coast Guard exams have a reputation of being inappropriate for some levels of licensing, and the validation of the questions has been in doubt for some time. To administer a Coast Guard exam module to a student who has not been specifically prepped to take that specialized exam is an invitation to failure.

Enclosure (4)

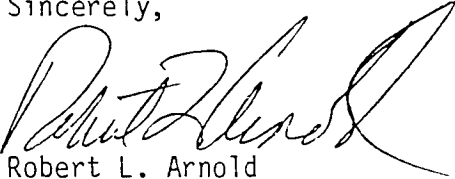
The REC has the authority, and we believe the obligation, to sit in on all or parts of courses held, and "supervise or administer the REQUIRED examinations" (46 CFR 10.303(e)(4), emphasis added). The required examinations are the ones approved by NMC for our use, not their own examinations which we were admonished not to use.

3. Those offices administering exam modules are doing so apparently without charge to the applicant, and this is contrary to 46 CFR 10.109 which requires that fees be charged for examinations administered.

We have a choice of deciding whether or not to modify our exams so they are less appropriate to the curriculum and more appropriate to a pure cram prep course. This would allow more students to pass a Coast Guard exam if required to do so. We believe this approach is inappropriate, and we will follow it only as a last resort.

Therefore, our appeal is based on our belief that the REC lacks the regulatory authority to examine any students of approved courses by administering Coast Guard exam modules, and to do so is contrary to the regulations specifying fee collection for various services.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert L. Arnold", written over a horizontal line.

Robert L. Arnold
Director

RLA/vs

U.S. Department
of Transportation

United States
Coast Guard



Commanding Officer
U. S. Coast Guard
Marine Safety Office

1615 Poydras Street
New Orleans, LA 70112-1254
Phone: (504) 589-6183
Fax: (504) 589-4226

16721

12 August 1997

From: Commanding Officer, Coast Guard Marine Safety Office
New Orleans

To: Commander, Eighth Coast Guard District (m)

Subj: SEA SCHOOL APPEAL OF 30 JUL 97

REF: (a) Navigation and Vessel Inspection Circular No. 5-95
dated June 21, 1995

1. Sea School has intentionally misrepresented the facts and has failed to follow proper appeal procedures as set out in 46 CFR 1.03, as specified by 46 CFR 10.204, in that they have never initiated any discussions at the Officer in Charge Marine Inspection (OCMI) level or submitted their appeal via this office as required by the regulations. Notwithstanding their failure to follow proper process procedures, I have considered the issues they raise and I strongly urge you to deny this factually and legally incorrect appeal. Should they then choose to appeal the District Commander's decision they can do so in accordance with 46 CFR 1.03-25.

2. In the absence of specific audit and oversight guidance beyond that provided to the general public in reference (a), I issued Officer in Charge Marine Inspection (not Regional Examination Center (REC)) Policy Letter 2-97, enclosure (1), to ensure that a consistent and fair process is used to deal with the skyrocketing increase in approved school certificates the REC was receiving from mariners. It is not the intent of the regulation nor the guidelines set forth in reference (a) that the Coast Guard and OCMI abdicate their oversight responsibilities and duty to determine if each applicant is fully qualified for the requested credential. **This is of critical importance.** Oversight ensures the courses are taught in accordance with the established procedures, and in the particular case addressed by Sea School, includes a customer survey audit. The administration of a single module, as specified in enclosure (1), satisfies the mandate in NVIC 5-95 and 46 CFR 10.303(f) to conduct unannounced audits of approved courses and to **survey** students, and follows accepted ISO 9000 audit procedures since a single test module is randomly administered to 5% of the applicants presenting approved school certificates. This method has greatly reduced costs compared to the method **suggested** in NVIC 5-95. All Coast Guard approved schools that fall within the geographic area of responsibility of my REC received the announcement of our revised oversight and auditing procedures in early April, prior to these procedures being implemented on May 1, 1997. Sea School should have appropriately appealed within 30 days of that decision rather wait until now to impugn my understanding of 46 CFR Subchapter B.

Enclosure (5)

16721

12 August 1997

Subj: SEA SCHOOL APPEAL OF 30 JUL 97

3. It is Mr. Arnold's posture that Coast Guard approved courses are in lieu of examination per 46 CFR 10.301. However, the language of applicability to training schools states that "approved courses *may* be accepted in lieu of service experience or examination...(emphasis added)." Mr. Arnold is correct that "the meanings are clear." Consistent with 46 CFR 10.303(c), each school must give the mariner some assurance to "reasonably assume, that he or she would pass on the first attempt, an examination *prepared by the Coast Guard* (emphasis added) based upon the *knowledge requirements of the position* (emphasis added) or endorsement for which the student is being trained." This regulation means ability to pass a Coast Guard exam, *not* the school's exam and is the complete opposite of what Mr. Arnold states this regulation means in his appeal.

4. If Mr. Arnold believes the examinations administered by the REC's test inappropriate material, he needs to address this concern to the National Maritime Center for resolution.

5. Finally, on the issue of not charging the applicant, I am not giving an examination as prescribed for licensing and registration activities but rather conducting unannounced audits of approved courses and surveying students. Therefore, there is *no* regulatory basis in 46 CFR 10.109 to charge a user fee nor would it be appropriate. This is contrary to the assertion in Mr. Arnold's appeal.



G. D. MARSH

Encl: (1) OCMI Policy Letter #2-97, "ADMINISTRATIVE PROCEDURES AND GUIDELINES FOR COAST GUARD APPROVED SCHOOLS", dated APRIL 9, 1997

U.S. Department
of Transportation
United States
Coast Guard



Commander
8th Coast Guard District
Hale Boggs Federal Bldg

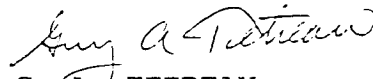
501 Magazine Street
New Orleans, LA 70130-3396
Staff Symbol: (moc).
Phone: (504) 589-3624

16703/16721
October 1, 1997

From: Commander, Eighth Coast Guard District
To: Commandant (G-MOC)

Subj: APPEAL OF DECISION TO CONDUCT OVERSIGHT OF SEA SCHOOLS AND
RANDOMLY TEST COURSE GRADUATES

1. Enclosure (1), an appeal of the course oversight protocol used by MSO New Orleans, is forwarded for your action in accordance with 46 CFR 1.03-25. I recommend that this appeal be denied for the reasons outlined in enclosures (2) and (3).
2. Mr. Arnold contends that Coast Guard oversight is limited to those activities in 46 CFR 10.303(f), however, 46 CFR 10.303(c) indicates that graduates should be able to pass a Coast Guard exam on the first attempt.
3. We believe that MSO New Orleans' oversight protocol meets regulatory intent. Should you rule that MSO New Orleans auditing protocol is beyond the scope of oversight actions allowed, please provide additional course oversight procedures.


G. A. TETREAU
By direction

Encl: (1) Sea School ltr of 8 September 1997
(2) CCGD8(moc) ltr 16703/16721 of 26 August 1997
(3) MSO New Orleans 16721 ltr of 12 August 1997
(4) Sea School letter of 30 July 1997
(5) OCMI New Orleans policy #2-97

Copy: MSO New Orleans w/o enclosures
REC Coordinator